

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference MCL-100-PCT	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/US2004/006733	International filing date ( <i>day/month/year</i> ) 05 March 2004 (05.03.2004)	Priority date ( <i>day/month/year</i> ) 15 July 2003 (15.07.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MCCOY, Leonard			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date of issuance of this report 13 March 2006 (13.03.2006)</td> </tr> <tr> <td style="padding: 2px;">Authorized officer  Yolaine Cussac</td> </tr> <tr> <td style="padding: 2px;">Telephone No. +41 22 338 70 80</td> </tr> </table>	Date of issuance of this report 13 March 2006 (13.03.2006)	Authorized officer  Yolaine Cussac	Telephone No. +41 22 338 70 80
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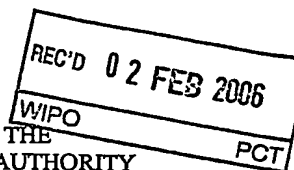
From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
BARBARA M. BURNS  
1756 PLYMOUTH ROAD, #276  
ANN ARBOR, MI 48105

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)



Applicant's or agent's file reference  MCL-100-PCT			Date of mailing (day/month/year) <b>31 JAN 2006</b> <b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No.	International filing date (day/month/year)	Priority date (day/month/year)	
PCT/US04/06733	05 March 2004 (05.03.2004)	15 July 2003 (15.07.2003)	
International Patent Classification (IPC) or both national classification and IPC			
IPC(7): A61F 6/02, 6/04, 5/44, 5/00 and US Cl.: 128/844, 842, 918; 604/347, 348, 350, 351, 352, 353; 600/38			
Applicant			
MCCOY, LEONARD			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
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### 2. FURTHER ACTION

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For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion  09 December 2005 (09.12.2005)	Authorized officer Henry Bennett <i>Sharon M. Greene</i> Telephone No. 571-727-3700
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Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/06733

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
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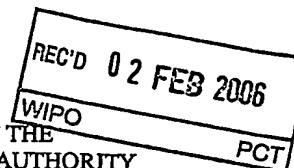
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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>7-13</u>	YES
	Claims <u>1-6, 14-16</u>	NO
Inventive step (IS)	Claims <u>7-8</u>	YES
	Claims <u>1-6, 9-16</u>	NO
Industrial applicability (IA)	Claims <u>1-16</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet



WRITTEN OPINION OF THE  
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International application No.  
PCT/US04/06733

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-6, 14-16 lack novelty under PCT Article 33(2) as being anticipated by Star. Star discloses a male condom (Figs. 1-17), comprising a unitary body having a closed end and an open end (see right and left of Fig. 1), the unitary body having a first elongated generally tubular section adapted to fit a penis of a male (see right-half of Fig. 1), the first elongated generally tubular section having the closed end (see right-half of Fig. 1), a second section extending from the first elongated generally tubular section (see left-half of Fig. 1), and a resilient means adjacent the open end adapted to hold the condom securely to a male (130 of Fig. 1), the resilient means adapted to fit between the scrotum and the torso of a male (130 of Fig. 1), wherein the unitary body comprises one of latex rubber, animal skin and a synthetic membrane (see "latex" in line 30 of col. 2), wherein the resilient means adjacent the open end allow expansion of open end of second section over larger size of scrotum and then reduces and grips a smaller size between the scrotum and a torso of a male (130 of Fig. 1), wherein the resilient means can be configured in one of a round and square configuration (130 of Fig. 1), wherein the second section adapted to the and cups a male scrotum (see left-half of Fig. 1), further comprising a condom for use by a user for the prevention of pregnancy and the prevention of disease (Fig. 1), comprising a body having a closed end and an open end (see right and left of Fig. 1), the body having a first section adapted to first section adapted to fit one of a penis and a penile facsimile (see right-half of Fig. 1), the second having the closed end (see right-half of Fig. 1), a second section adapted to fit one of a scrotum of a user and a genital facsimile (see left-half of Fig. 1), the second section having the open end (see left-half of Fig. 1), and a resilient gripper means near the open end of the body adapted to hold the condom securely to a user (130 of Fig. 1) and adapted to fit one of between the scrotum and the pelvis of a user and onto a genital facsimile (130 of Fig. 1), and positioning the first elongated generally tubular section of the unitary body of the condom onto the penis of a user (Figs. 1-10), expanding the resilient means adjacent the open end of the condom and positioning the second section of the unitary body of the condom around the scrotum of the user (Figs. 1-10), allowing resilient means to contact the open end to fit between the scrotum and the torso of a user (Figs. 1-10).

Claims 9-13 lack an inventive step under PCT Article 33(3) as being obvious over Star.

Regarding claim 9, Star, as described above, discloses all the features claimed except being sized for a multiplicity of sizes. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the condom of Star being sized for a multiplicity of sizes, for different users having different sizes.

Regarding claim 10, Star, as described above, discloses all the features claimed except being packaged flat with the two sections being visible. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the condom of Star being packaged flat with the two sections being visible, because Star teaches that the "condom 100 can be packaged, rolled or unrolled, in a plastic or foil pouch for storage, sales and distribution" (see lines 52-53 of col. 4).

Regarding claim 11, Star, as described above, discloses all the features claimed except packaging wherein at least a multiplicity of individually packaged condoms are provided. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the condom of Star have packaging wherein at least a multiplicity of individually packaged condoms are provided, because Star teaches that "the condom 100 can be packaged rolled or unrolled, in a plastic or foil pouch for storage, sales and distribution" (see lines 52-53 of col. 4).

Regarding claim 12, Star, as described above, discloses all the features claimed except that the at least a multiplicity of individual packaged condoms being displayed with each packaged condom being placed and back of a lower condom. It would have been obvious